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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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WEEK IN REVIEW

HOUSE

The House of Representatives amended and gave third reading to H.3175 which requires counties and municipalities to adopt the latest version of national, regional, or model building codes and establishes a procedure by which a political subdivision may apply for a temporary exemption. The bill creates functions, duties, and registration for building code enforcement officers and requires that the first one hundred seventy-five thousand dollars of the premium tax levied on fire insurers must be used for implementing training, certification, and continuing education for these officers. The bill also revises the composition of building codes councils, the manner in which counties and municipalities adopt and enforce codes, penalties for violations, and the responsibilities of fire marshals.

The House amended and gave third reading to H.3366 which provides civil and criminal immunity for law officers who take a child into emergency physical custody or emergency protective custody. Also amended and read for the third time was H.3541 which provides that copies of, rather than original, photographs, x-rays, and other medical evidence of suspected child abuse must be sent to the Department of Social Services when a report of suspected child abuse is made.

The House gave third reading to several other measures. S.76 ratifies a constitutional amendment approved by the general electors in 1996 which allows any registered elector who has moved his place of residence during the thirty days immediately prior to the date of an election to vote in his previous precinct of residence. Section 4, Article II of the State Constitution is amended to read as follows: "Every citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law." S.224 requires the State Board of Canvassers to meet for the purpose of hearing appeals fourteen days following the filing of notice. H.3316 provides that driver's license suspension for driving under the influence of alcohol or drugs must begin on the date the individual is convicted, receives sentence upon a guilty or *nolo contendere* plea, or forfeits bail. H.3470 makes technical changes so as to conform the Amusement Rides Safety Code to the Government Restructuring Act of 1993. H.3462 provides optional methods for determining charges and commissions for handling and selling leaf tobacco. H.3522 authorizes the use of electronic warehouse receipts. H.3535 requires public weighmasters (who weigh agricultural commodities) to be licensed.

The House adopted three concurrent resolutions. H.3644 memorializes Congress to equalize among the states the distribution of federal gasoline taxes contributed to the Federal Highway Trust Fund. H.3411 memorializes Congress to provide for a national cemetery to be located at Fort Jackson. H.3675 memorializes the Department of Transportation to name a portion of U.S. Highway 301 in Orangeburg County in honor of the Honorable Marshall Burns Williams.

SENATE

The Senate gave third reading and sent to the House S.52, which authorizes a state agency to contract to sell commercial advertising space in its publications, facilities, buildings, and on its vehicles. The bill was referred to the Ways and Means Committee. S.6, which creates the "*South Carolina Drug Impaired Infants Act*," was also given third reading and sent to the House. This bill is now in the House Judiciary Committee. The Senate also passed S.25, which legalizes tattoo parlors in South Carolina. This bill is now in the House 3-M Committee. All of these bills are summarized in the "*Committee Action*" section of this issue under the appropriate committee heading.

Expressions of Personal Interest concerning the Palmetto Fellows Scholarship Program were offered on the Senate floor by several Senate members. Sen. Setzler announced that the program and concerns about its administration would be discussed in a meeting of the Senate Education Committee scheduled for 9 a.m. Wednesday, March 26.

COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee passed out four bills: H.3462, which provides optional methods for determining charges and commissions for handling and selling leaf tobacco; H.3522, which authorizes the use of electronic warehouse receipts; H.3535, which requires public weighmasters (who weigh agricultural commodities) to be licensed; and H.3303, which prohibits shooting or hunting big game from any public, paved road in Game Zones 1,2, and 4 and prohibits a person from shooting or hunting for big game within 50 feet of the edge of the pavement of any paved road nor within any maintained right-of-way of such a road.

The Environmental Affairs II Subcommittee amended and gave a favorable recommendation to H.3619, which would make it unlawful to hunt migratory waterfowl on Lake Wateree within 200 yards of a dwelling without written permission of the owner and occupant. H.3606 also received a favorable recommendation. Among the provisions in the bill is a requirement that the office of Solid Waste Reduction and Recycling develop guidelines for the establishment and implementation of recycling education grants to schools and colleges to establish waste reduction and recycling education programs and demonstration projects. The bill was amended to prohibit a person from knowingly disposing of a used oil filter in a landfill after July 1, 1999, unless the filter has been crushed. The subcommittee also amended and approved H.3607, a bill that adds one member to the State Solid Waste Advisory Council.

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee recommended a joint resolution to approve R.2164. This regulation establishes the procedure to be used by the State Board of Education when it reviews decisions of local school boards concerning charter schools. Debate was adjourned on H.3162, which exempts persons owning antique motor vehicles from the reinsurance facility recoupment charge. H.3174, which provides for the issuance of charter limousine license plates, was amended (to make the fee provided in the bill consistent with the fee currently charged for other special plates and to require that a minimum of 300 applications for the plate must be received before the plate is made) and reported favorably. S.262, which deletes the current restriction that a Shriner may be issued only one special Shriner license plate, was reported out favorably with an amendment to require that a minimum of 300 applications for the plate must be received before the plate is made. H.3300, which provides for the issuance of fraternity and sorority license plates, was reported out favorably after being amended to provide that a minimum of 300 applications for the plate must be received before the plate is made, and to provide that any mention of an institution or use of an institution's logo on the plate is prohibited without the written approval of the institution. H.3444, which provides for the issuance of special license plates for members of the Marine Corps League, was also amended to require the minimum 300 applications before the plate is made. The bill was then reported out favorably. H.3341, which provides for the issuance of special license plates for members of the Sons of Confederate Veterans, was amended to delete the provision that only one plate may be issued to a member of the Sons of Confederate Veterans, and to require that at least 300 applications for the plate must be received before the plate is made. The bill was reported out favorably with an unfavorable minority report.

H.3044, which requires that a placard containing certain information be displayed on a motor vehicle before the registration and license plate are received, was recommitted to subcommittee. Also recommitted to subcommittee was H.3284, which deletes the restriction that a Shriner may be issued only one license plate.

The Public Works and Transit Safety subcommittee considered three bills. H.3310, which provides that certain Department of Transportation employees are exempt from the State Employee Grievance Procedure, received a favorable recommendation. The subcommittee adjourned debate on H.3566, which provides that if a bridge for motor vehicles over a railroad track, which bridge is owned by a railroad company, is closed by the Department of Transportation for being unsafe for vehicular use, no railroad traffic may use the track underneath such bridge until it is replaced or unless flagmen are used on the railroad tracks approaching the bridge until it is replaced. Debate was also adjourned on H.3270, which provides that careless driving is a one point violation.

JUDICIARY

The Judiciary Committee gave a report of favorable with amendment to H.3397 which imposes various limits on local governments' ability to create or raise taxes and fees. The bill provides that a local governing body may not impose a new tax after December 31, 1996, unless specifically authorized by the General Assembly. By ordinance adopted by a positive

majority vote, a local governing body may impose a business license tax or increase the rate of a business license tax. By ordinance adopted by a positive majority vote, a local governing body may charge and collect a service or user fee. No local governing body may increase taxes or uniform service charge rates (excluding utilities) above the rates imposed for such purposes for the prior tax year. Rates may be increased only by the percentage increase in the consumer price index based upon the southeastern average. The bill also details certain exceptions when rates may be increased, including such scenarios as a rate increase needed to offset a prior year's deficit or to respond to a natural or environmental disaster. Millage rate limitations may be overridden by a positive affirmative vote of the local governing body. A local governing body is authorized to impose via ordinance adopted by a positive majority vote, an accommodations tax not to exceed 3%. By the same method, a local government is authorized to impose a hospitality tax, not to exceed 2%, on meals and beverages served in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine. No local government may impose a fee or tax on the transfer of real property without the authorization of the General Assembly. Certain restrictions apply to expenditures of funds generated by the accommodations and hospitality taxes. Amendments authorize a county governing body to impose a 1% sales and use tax by ordinance, subject to a referendum, within the county area for specific purposes and for a limited amount of time to collect a limited amount of money. Revenues generated by this means may be expended on such capital improvements as roads, bridges, libraries, sewers, flood control projects, etc. An amendment proposed by the full committee eliminates the requirement that local governments remit real estate transfer fees to the state if those funds have already been expended for the purposes for which they were intended.

The Committee reported out thirteen other bills. S.41 adds to the list of traffic violations which constitute child endangerment the failure to stop a motor vehicle when signaled by a law enforcement officer. H.3089, with amendment, provides a fifteen dollar penalty for the failure to wear a seatbelt with a twenty-five dollar maximum penalty for any single incidence. The amendment allows for primary enforcement of the seatbelt law where the violator is under the age of eighteen. Primary enforcement allows an officer to stop a vehicle for a failure to wear seatbelts in the absence of any other violation. Failure to wear a seatbelt is not admissible as evidence in a civil action. H.3399 eliminates the requirement that an employer sign the written certification which an employee must show a county registrar to verify that he is obligated to be at his place of employment during polling hours, and is, therefore, qualified to vote by absentee ballot. S.76 ratifies a constitutional amendment approved by the general electors in 1996 which allows any registered elector who has moved his place of residence during the thirty days immediately prior to the date of an election to vote in his previous precinct of residence. Section 4, Article II of the State Constitution is amended to read as follows: "Every citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law." S.224 requires the State Board of Canvassers to meet for the purpose of hearing appeals fourteen days following the filing of notice. H.3316 provides that driver's license suspension for driving under the influence of alcohol or drugs must begin on the date the individual is convicted, receives sentence upon a guilty or *nolo contendere* plea, or forfeits bail. S.33 regulates the use of locked hospitality cabinets in rooms of hotels and inns. H.3207, with amendment, prohibits drinking games in establishments which sell beer, wine, or other alcoholic beverages with violations resulting in the possible suspension or revocation of alcohol licenses and permits. H.3541, with amendment, provides that copies of, rather than original, photographs,

x-rays, and other medical evidence of suspected child abuse must be sent to the Department of Social Services when a report of suspected child abuse is made. H.3366, with amendment, provides civil and criminal immunity for law officers who take a child into emergency physical custody or emergency protective custody. H.3452, with amendment, allows jury service which falls during a school term to be postponed for school personnel at institutions of higher learning and K-12 school personnel, such as teachers and bus drivers, who directly interact with students. H.3275, "The Prison Overcrowding Relief Act of 1997," with amendment, authorizes the Department of Corrections to use tents to house prisoners eligible for minimum custody confinement or work release. County jails and detention facilities may also make use of tents to house prisoners convicted of nonviolent offenses. Facilities which are authorized to make use of tents may not release prisoners for reason of overcrowding unless tents have been utilized to house eligible prisoners. Tents are subject to review by the State Fire Marshal and the Department of Health and Environmental Control to ensure their safety. Amendments proposed by the subcommittee authorize the use of temporary structures other than tents. Amendments also authorize local officials to formulate standards for temporary facilities which must be approved by a majority in the county governing body. Amendments also eliminate the bill's repeal of jail and prison inspection programs. H.3132, with amendment, prohibits the state and its political subdivisions from using race, sex, color, ethnicity, or national origin as criteria for either discriminating against or granting preferential treatment to any individual or group in public employment, education, or contracting.

The Committee tabled three bills. H.3507 provides that statements of intention to run as a candidate for the General Assembly must be filed with the county election commission rather than the county executive office of the appropriate political party. H.3418 provides a procedure by which a sheriff may be elected in a nonpartisan fashion. H.3036 establishes a procedure for early voting in statewide general elections and their nominating primaries by allowing an elector to cast a vote, in person, at a county board of registration or extension office during the week preceding the election or primary, and during the four days preceding a run-off.

The Constitutional Laws Subcommittee reported favorably on H.3586 which establishes a two-tiered system for the state's appellate courts in which the Court of Appeals is charged with the responsibility of deciding most appeals from circuit and family courts. Certain appeals, such as death sentences, challenges to constitutionality, public utility rates, etc. are routed directly to the Supreme Court, as specified in statute. The Supreme Court is positioned to review appeals which involve novel or important issues. The subcommittee reported favorably on H.3593 which provides that state residents who are victims of terrorism committed outside the United States may apply for benefits with the Victim's Compensation Fund. The subcommittee gave a report of favorable with amendment to H.3585 which provides that the South Carolina Tort Claims Act is the exclusive remedy for any tort committed by a government employee acting within the scope of his official duties. The provision is to be liberally construed in favor of limited liability with ambiguity to be resolved in the favor of the government. The subcommittee also moved to reconsider H.3507, which was tabled at last week's full committee meeting.

The Criminal Laws Subcommittee gave a report of favorable with amendments to a bill designed to penalize those who sell merchandise, such as tee shirts, with indecent images or messages. H.3291, with amendments, makes it a misdemeanor to disseminate, sell, or

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distribute indecent material to minors or to display indecent material in areas likely to be frequented by minors. Offenders are tried in magistrate's court with a first offense carrying a prison term of not more than thirty days and/or a fine of not more than five hundred dollars; a second or subsequent offense carries a prison term of not more than three years and/or a fine of not more than three thousand dollars. Additionally, maximum penalties are increased for felonies of disseminating obscene materials to minors. An amendment specifies that the provisions do not apply to audiovisual works, sound recordings, newspapers, or bound literary works. The Subcommittee also gave a report of favorable with amendment to H.3449 which provides that an individual is guilty of a misdemeanor who views, photographs, films, or videotapes an unconsenting person in a state of undress in any setting where that person might have a reasonable expectation of privacy. The bill covers such settings as dressing rooms, locker rooms, restrooms, and tanning booths. A violator is subject to a fine of up to five hundred dollars and/or a prison term of up to three years. Surveillance conducted by law enforcement officers, private investigators, and corrections officials is exempted.

The Special Laws Subcommittee gave a report of favorable with amendment to H.3404 which enhances protection of trade secrets during litigations by requiring litigants to demonstrate their need for release of trade secrets in order to obtain release of that information. The bill also creates criminal penalties for the misappropriation of trade secrets and codifies the common law distinction between a trade secret agreement and a covenant not to compete.

The General Laws Subcommittee gave a report of favorable with amendment to H.3603 which broadens the category of individuals who may be held responsible for child endangerment/abandonment to include individuals who do not have legal custody of a child, but do have recurring access. The bill also makes it unlawful to place a child in a situation that would likely lead to abandonment

LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee reported favorably on H.3439 which regulates the sale of "regrooved" and "regroovable" tires by codifying in state law existing federal standards. The committee also reported favorably on H.3381 which recodifies the enabling statute of the South Carolina Board of Architectural Examiners so as to bring it into conformity with the uniform organizational and administrative framework for professional and occupational licensing boards established for the Department of Labor, Licensing, and Regulation in 1996. The committee gave a report of favorable with amendment to H.3177 which requires a general contractor's license for any marine construction which is to be undertaken in bodies of salt water where the cost of construction is at least ten thousand dollars. The committee tabled two bills. H.3259 increases from thirty thousand to forty-five thousand dollars the minimum cost of undertakings which require a general contractor's license and increases from seventeen thousand five hundred to thirty thousand dollars the minimum cost of undertakings which require a mechanical contractor's license. H.3092 eliminates the requirement that a private detective employed by a licensed detective business must be a citizen of the United States.

The Business and Commerce Subcommittee gave a report of favorable with amendment to H.3602 which alters the way in which the average weekly wage of volunteer firemen is calculated for the purpose of determining workers' compensation benefits. Amendments specify the manner in which affected employees must be notified. If volunteer firemen, police deputies, and rescue workers are not properly notified of the limits on their worker's compensation benefits, the political subdivision is responsible for paying out worker's compensation benefits calculated as a percentage of the volunteer's average weekly wage, rather than the statewide average weekly wage limits set for the line of work in which that individual volunteers. The Subcommittee also reported favorably on H.3328 which sets as the salary for members of organized volunteer hazardous materials-spill response teams at thirty-seven and one-half percent of the average weekly wage in this state for the preceding year.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Occupational Regulation and Licensing Boards Subcommittee amended and passed out H.3137, which rewrites the practice act for speech pathologists and audiologists to make it conform to the administrative framework established for all boards and commissions administered by the Department of Labor, Licensure and Regulation (LLR). The bill also makes several substantive changes, which include reducing the number of members who serve on the board from 6 to 5, updating and clarifying definitions of terms used in the practice act, and increasing all fees charged by the board to cover actual cost of administration.

WAYS AND MEANS

The Ways and Means Economic Development, Capital Improvement and Other Taxes subcommittee amended and recommended a favorable report on H.3648. This bill creates the South Carolina Economic Development Authority, and provides for its governance, powers, and duties. The bill provides for the devolution upon the Authority, on approval by the SC Budget and Control Board, of various functions, powers and duties of the SC Department of Commerce that are considered necessary to enhance economic development and growth. The Authority is intended to complement and enhance the economic development efforts of the Department of Commerce and would operate in conjunction with that agency to more effectively compete in the recruiting of industry to SC. Authority employees would not be classified as state employees, but would be eligible for the same State benefits that state employees receive. The Authority would be headed by a director, to be appointed by the Governor. The Secretary of Commerce may serve as director, *ex officio*. The subcommittee amended the bill to delete a special Freedom of Information (FOI) Act exemption provided to the Authority since there is already an exemption in the FOI Act for economic development activity.

The full Ways and Means Committee considered two bills: H.3312, the 1997 Bond Bill, and H.3648, which is described in the preceding paragraph. After adopting the subcommittee report on H.3648, the bill was adopted as a committee bill. The new bill number is H.3695.

H.3312, the 1997 Bond Bill, was given a favorable report with amendments, and was adopted by the full committee as a committee bill. The committee bill, H.3694, authorizes the issuance of state capital improvement bonds totaling \$250,660,401. Some of the larger

projects funded in the bill include Department of Corrections construction (\$54.7 million); Clemson PSA agriculture biotechnology complex/greenhouses (\$17 million); Department of Natural Resources for purchase of Jocassee property (\$10 million); State Board for Technical and Comprehensive Education - all technical colleges statewide, deferred maintenance and/or equipment (\$10 million); Coastal Carolina Humanities Building (\$11.775 million); Clemson University central energy facility (\$10 million); College of Charleston - new library (\$12 million); and USC-Columbia renovation/deferred maintenance for multiple facilities (\$14.5 million).

BILLS INTRODUCED

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3699 GUEST FISHING LICENSE Rep. Spearman

This bill states that a special guest fishing license for an annual fee of \$50.00 may be issued only to the owner or lessee of private property bordering inland fishing waters or bordering joint fishing waters, including public mountain trout waters, and entitles persons to fish from the shore, from a pier or dock originating from the property, or within 100 feet of either side of the pier or dock without an additional fishing license.

H.3670 USE OF CRAB POTS ON PAWLEY'S ISLAND Rep. Miller

Currently it is unlawful to set or use a trap or basket commonly termed a 'crab pot' to catch crab for commercial purposes within Pawley's Island Creek and Midway Creek on Pawley's Island in Georgetown County between May first and October first. Individuals may set two crab pots to catch crabs for personal consumption and not for sale. This bill would prohibit the use of a crab pot to catch crab for commercial purposes in those areas year round rather than within those specified dates.

H.3671 PURSUING ANTLERED DEER WITH DOGS Rep. Sheheen

This bill makes it unlawful to pursue deer with dogs except during the prescribed season for hunting deer on tracts of more than 750 contiguous acres which are owned or leased by the person pursuing the deer. Invitees and persons who have the written permission of the owner or lessee of such land may also engage in the pursuit of deer with dogs.

S.23 LIEN PLACED UPON AN ANIMAL Sen. Mescher

Current law allows the owner of an animal boarding facility, at the end of an agreed upon term of boarding, to have a lien upon any animal which is left with him for upkeep, rest and training until the cost of the upkeep, rest and training has been paid by the owner of the animal. This bill states that if the owner of the animal has not paid the costs associated with keeping the animal after actual notice of the lien within ten days of such notice, the animal boarding facility owner may sell the animal after advertising the sale. Current law requires payment within sixty days of such notice. If the animal is not purchased at the advertised sale, the owner of the animal boarding facility shall become the owner of the animal with all the rights, privileges, and obligations of ownership. A transfer of ownership pursuant to this section entitles the new owner of the animal to obtain the breed registration certificate for the animal from the organization or association which issued the certificate.

S.24 SALE OF FERRETS AS PETS Sen. Mescher

This bill removes ferrets from the list of carnivores which may not be sold as pets in this State. The bill also states that no ferret may be sold in this State without proper vaccination against rabies. A person who purchases or possesses a ferret must maintain proper vaccination treatment for it annually. Purchasers of a ferret must be provided with a notice not less than eight inches by eleven inches which bears an inscription in letters not less than three-fourths inch high stating the following: FERRETS HAVE A PROPENSITY TO MAKE UNPROVOKED ATTACKS THAT CAUSE BODILY INJURY TO A HUMAN BEING.

S.275 STERILIZATION OF DOGS AND CATS Sen. Leventis

This bill requires public or private animal shelters, animal refuges, or humane societies to have all dogs or cats sterilized before relinquishing custody of the animal. This section would not apply to a privately owned animal which the agency has in its possession if the owner presents evidence that the animal is his property. All costs of sterilization would be the responsibility of the person acquiring the animal. A person who acquires a dog or cat who fails to have the animal sterilized must forfeit ownership and pay the shelter, agency, society, or refuge where the dog or cat was obtained a sum of \$200.00.

S.360 DRINKING WATER REVOLVING LOAN FUND Sen. Drummond

This bill establishes the Drinking Water Revolving Loan Fund, requires the State to make a biennial report to the E.P.A. concerning the Drinking Water Revolving Loan Fund, brings the State's laws into compliance with the federal Safe Drinking Water Act, and adds additional powers to the S.C. Water Revolving Fund Authority.

EDUCATION AND PUBLIC WORKS

H.3664 REQUIRED EQUIPMENT ON A MOTORCYCLE Rep. Hodges

This bill deletes the current provision that no person shall operate a motorcycle with handlebars more than 15 inches in height above the portion of the seat occupied by the operator.

H.3683 LICENSE PLATES FOR MEMBERS OF WILD TURKEY FEDERATION Rep. Felder

This bill provides for the issuance of special license plates for members of the National Wild Turkey Federation. The fee for the plate is \$30 biennially, in addition to the regular motor vehicle registration fee. Only one plate may be issued to a person.

H.3684 LICENSE PLATES FOR VETERANS AFFAIRS OFFICERS Rep. Felder

This bill provides for the issuance of special license plates for County Veterans Affairs Officers. The biennial fee for the plate is \$30, in addition to the regular motor vehicle registration fee. Only one plate may be issued to a person.

H.3691 DEPARTMENT OF TRANSPORTATION MAINTENANCE ENGINEERS Rep. Bailey

This bill requires that SC Department of Transportation county resident maintenance engineers reside in the county to which they are assigned.

**H.3693 FACULTY AT STATE-SUPPORTED HIGHER LEARNING
INSTITUTIONS** Rep. Stille

This bill requires that, beginning with the 1998 fall semester, full-time undergraduate faculty of state-supported institutions of higher learning must teach 12 credit hours each semester. However, this 12 hour requirement will be reduced for full-time undergraduate faculty who perform research. The reduction for research faculty will be in increments of three credit hours, based on the percentage of their time spent on research as determined by the appropriate dean and certified to the president of the institution, as delineated in the bill.

H.3697 MOTOR VEHICLE LICENSE PLATES Rep. Howard

This bill requires that the name of the county in which a motor vehicle is registered and property taxes are paid must be shown in bold characters on the license plate. The bill also prohibits logos and slogans from being placed on a license plate.

JUDICIARY

H.3667 CUSTODIAL PARENTS MOVING OUT OF STATE Rep. Kirsh

This bill provides that a family court may not issue an order prohibiting a custodial parent from moving his residence to a location outside of the state, without a compelling reason or an agreement between the parties which prohibits such a move.

**H.3668 OUT-OF-STATE SERVICE FOR SPECIAL PURPOSE OR PUBLIC SERVICE
DISTRICTS** Rep. Hodges

This bill authorizes a special purpose or public service district whose boundaries are contiguous with another state to enter into agreements to supply water or sewer service to areas located in that state.

H.3677 REVISIONS TO UNIFORM SECURITIES ACT Rep. Klauber

This bill makes various revisions to the Uniform Securities Act, including, changing definitions for "federal covered adviser" and "federal covered insurer." The bill specifies which investigative records and complaints filed with the Securities Commissioner are not considered public information. Investment adviser registration or notice filing expires after two years, unless renewed. Provisions are made by which the Securities Commissioner may refer evidence of violations to the Attorney General's Office or other appropriate authority.

S.267 NONATTENDANCE OF JURORS Sen. Giese

This bill raises the penalty from a twenty dollar to a fifty dollar fine which the court must impose upon an individual who is duly drawn and summoned to attend as a juror, but who, without sufficient excuse, fails to attend. The fine for unexcused nonattendance for jury duty in a magistrate's court is raised from ten dollars to fifty dollars. Additionally, the bill enhances a magistrate's ability to punish contempt in his courtroom.

H.3686 LOCAL ORDINANCES ON PERSONAL WATERCRAFT Rep. Edge

This bill restrains local governments from utilizing local ordinances regarding the operation of personal watercraft which are inconsistent with state law. Local governments may not use the authority to grant franchises so as to create a monopoly on the operation of personal

watercraft. The Department of Natural Resource is granted sole authority in regulating personal watercraft operated from a pier in the Atlantic Ocean or from floating docks attached to such a pier.

H.3687 DEPOSITS MAINTAINED BY PROFESSIONAL BONDSMEN Rep. Altman

This bill reduces the minimum amount on the deposit which a professional bondsman must maintain with the clerk of court from one-fourth to one-tenth the amount of all bonds or undertakings written in this state on which the bondsman is liable as of the first of the current month.

S.6 DRUG IMPAIRED INFANTS ACT Sen. Rose

This bill specifies circumstances under which a physician providing care for a newborn may order testing for drugs and alcohol without the consent of parents. A pregnant woman referred for substance abuse treatment must receive first priority for use of available treatment, with all treatment records remaining confidential. Substance abuse treatment facilities receiving public funds may not refuse to treat a woman solely because she is pregnant. Physicians and certain other specified care givers are required to refer women to substance abuse treatment programs where substance abuse is evident. School districts must include in drug and alcohol education program curricula, information regarding the physiological problems, before and after birth, caused by the use of cigarettes, alcohol and controlled substances.

S.72 REIMBURSEMENT FOR LAW ENFORCEMENT TRAINING Sen. Rose

This bill requires a governmental entity which permanently employs a law enforcement officer who successfully completed state-required training while under the employ of another governmental entity, to reimburse the governmental entity that employed the officer during the training period. Amounts and conditions for reimbursement are specified.

**H.3690 DEPARTMENT OF TRANSPORTATION RESIDENT MAINTENANCE ENGINEERS
Rep. Bailey**

This bill requires Department of Transportation Resident Maintenance Engineers to reside in the county where they are assigned.

S.292 CONCEALABLE WEAPONS FEES Sen. Drummond

This bill provides that the State Law Enforcement Division shall collect and maintain concealable weapon application, renewal and replacement fees for the administration of the "Law-Abiding Citizens Self-Defense Act of 1996." Maximum sizes for concealable weapon permits are specified.

LABOR, COMMERCE AND INDUSTRY

S.269 LICENSURE OF BARBERS Sen. Setzler

This bill conforms the chapter of the code pertaining to the licensure and regulation of barbers so as to conform it the uniform organizational framework for professional and occupational boards.

S.271 LICENSURE OF ARCHITECTS Sen. J. Verne Smith

This bill conforms the chapter of the code pertaining to the licensure and regulation of architects so as to conform it the uniform organizational framework for professional and occupational boards. The bill also enhances the investigatory and disciplinary authority of the Board of Architectural Examiners.

S.535 USE OF GENETIC INFORMATION IN ACCIDENT AND HEALTH INSURANCE

Banking and Insurance Committee

This bill prohibits accident and health insurers from imposing certain restrictions on coverage on the basis of information obtained in genetic tests. All genetic information is confidential, conditions for authorized disclosure of such information are specified. Civil remedies are provided for individuals harmed by unauthorized disclosure of genetic information.

H.3685 LABELING OF PEAT Rep. Cato

This bill provides that it is unlawful to market, distribute, sell, or advertise for sale any product with a label containing the term "peat" unless that product is partially carbonized vegetable tissue formed by partial decomposition in water of various plants. A violator is guilty of a misdemeanor and subject to a fine of five hundred dollars or imprisonment for ninety days.

H.3688 MUNICIPAL UTILITIES Rep. Dantzler

This bill limits a municipal utility's exemption from Public Service Commission regulation to operations within the municipality's corporate limits. Exemption from Public Service Commission regulation for contracts made by a municipal utility is limited those contracts which a municipality makes with customers located within the corporate limits of the municipality.

S.458 SMALL GROUP HEALTH INSURANCE Banking and Insurance Committee

This bill revises premium rates and rating factors for small group health insurance so as to make use of an index rate versus an actuarial base rate as a measure of the "average rate." Actuarial certification requirements are enhanced. Rate variation from the index rate is authorized. Requirements are expanded for information which must be disclosed to small employers in health insurance sales and solicitation materials.

H.3700 JOINT ELECTRIC POWER DEREGULATION STUDY COMMITTEE Rep. T. Brown

This joint resolution creates a Joint Electric Power Deregulation Study Committee to study all phases of the deregulation of electric power providers in the state. The committee is composed of the Chairman of the House Labor, Commerce and Industry Committee, two other House members appointed by the Speaker, the Chairman of the Senate Labor, Commerce and Industry Committee, two other Senators appointed by the President Pro Tempore, two members appointed by the Governor to represent for-profit electric utility companies, two members appointed by the Governor to represent electric cooperatives, and three members appointed by the Governor to represent the general public.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.359 LICENSING OF LONG TERM HEALTH CARE ADMINISTRATORS Sen. Giese

This bill applies to the regulation of nursing home administrators and residential care facility administrators by conforming the practice act to the statutory organizational and administrative framework established for professional and occupational licensing boards in the South Carolina Code.

H.3682 REGULATION OF COSMETOLOGY Rep. Riser

This bill conforms the chapter relating to the licensure and regulation of cosmetology to the statutory organizational and administrative framework established for professions and occupations in the South Carolina Code. The bill would discontinue the issuance of temporary permits and transfer student record keeping responsibilities from the Department of Labor, Licensing, and Regulation to beauty schools.

S.25 TATTOO ARTISTS AND TATTOO PARLORS Sen. Mescher

This bill establishes requirements and procedures for registration of tattoo artists and tattoo parlors in this State, and allows a person over the age of 18 to get a tattoo in this State legally. The bill requires a person engaged in tattooing to demand proof of age from a prospective recipient if an ordinary person would conclude on the basis of appearance that the prospective recipient may be under the age of eighteen years.

WAYS AND MEANS

H.3669 CLEMSON UNIVERSITY ATHLETIC FACILITIES REVENUE BONDS Rep. R. Smith

This bill broadens the scope of law authorizing the issuance of revenue bonds of Clemson University, relating to the purpose of bonds issued for, among other things, acquiring, constructing, renovating, and equipping athletic facilities at the University. The bill provides that these bonds are payable from the revenues, net revenues, or pledges of revenues or fees as designated by the trustees, as well as from revenues of admissions fees for events held at Clemson athletic facilities and revenues from special fees which may be imposed upon Clemson students. Upon approval of the SC Budget and Control Board and review by the Joint Bond Review Committee, Clemson's trustees may borrow such sums as necessary to accomplish these certain purposes, but the faith and credit of the State may not be pledged for the payment of the principal and interest of such bonds. The bill provides that Clemson University trustees shall from time to time adopt resolutions providing for the issuance of these bonds, and the resolutions shall prescribe the tenor, terms and conditions of the bonds, within limitations included in the bill. The bonds may be disposed of in such manner as the trustees determine, except that no privately negotiated sale without public advertisement may be made without prior approval of the Budget and Control Board. The trustees must maintain any necessary admission fees or special student fees on a basis and in such amounts as will be sufficient to provide for the payment of the principal of and interest on the bonds as the bonds mature and to provide the required reserve therefor in any bond reserve fund. Relevant powers of the trustees, including but not limited to those powers relating to issuing bonds, imposing admission fees and special student fees, pledging certain revenues to secure the bonds, and use of athletic facilities, are delineated in the bill.

H.3672 INCOME OF PRESIDENTS OF STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING Rep. Simrill

This bill provides that the president of any state-supported institution of higher learning may not earn additional income or consulting fees from any other public source in an amount exceeding 10% of his compensation as president as provided in the annual General Appropriations Act. Also, any earned income or consulting fees from private sources must be approved by the board of trustees of that institution and the State Budget and Control Board.

H.3673 STATE AGENCIES/COLLECTION OF DISHONORED CHECKS Rep. Kirsh

This bill provides that state agencies may establish, collect, and retain fines to cover the costs of collecting dishonored checks. Any such fines must be retained and expended by the agencies solely for that purpose.

S.52 STATE AGENCIES/SALE OF ADVERTISING SPACE Sen. Passailaigue

This bill authorizes a state agency to contract to sell commercial advertising space in its publications, facilities, buildings, and on its vehicles, in exchange for cash payment. All funds received would be deposited to the advertising contract fund, which the bill creates in the state treasury. The agency that contracts to sell the advertising space would receive 40% of the revenue generated from selling the space, and would be reimbursed for expenses incurred directly associated with the contracting process. The remaining funds would be transferred to the general revenue fund. The bill provides restrictions and prohibitions for the advertisements, provides that contracts for advertising must be awarded only by competitive bidding and to the highest bidder, and provides that the agency must anticipate that the contract will produce a profit for the State or the contracting state agency or instrumentality. The bill makes provisions for violations of the restrictions and requires that annual reports describing the opportunities for and results of sales of commercial advertising space be submitted to the Governor, to the Speaker of the House, and to the President of the Senate by each agency selling advertising space. Institutions of higher education, the Department of Parks, Recreation and Tourism, and agencies or programs which receive no state appropriated general funds are exempt from the provisions of this bill. The bill prohibits advertising in or on the State House, the State House grounds, the office buildings located on those grounds, or the capitol complex.

S.156 PROPERTY TAX REDUCTION WORK ACT Sen. Passailaigue

This bill authorizes county governing bodies to adopt, by ordinance, a county property tax reduction program permitting residents of the county to work off portions of their property taxes in exchange for performing services for the county. The bill includes provisions for eligibility to participate in the program and provisions for methods and amounts of compensation to the program participants.

S.330 DISTRIBUTION OF "C" FUNDS Sen. Peeler

This bill authorizes a county legislative delegation to abolish (by resolution) the county transportation committee and devolve the committee's powers and duties upon the governing body of the county. This devolution may be reversed and the county transportation committee reestablished by a subsequent delegation resolution. County transportation committees, in addition to other responsibilities, currently are responsible for adopting a county transportation plan which governs the distribution and use of "C" fund gasoline tax revenues.

H.3698 TAX CREDIT FOR INVESTMENT IN FILM ENTERPRISE Rep. Limehouse

This bill allows a nonrefundable credit against a taxpayer's state income tax liability in an amount equal to 50%, but not more than \$15,000, of a taxpayer's cash investment in a "qualified South Carolina film enterprise" (as defined in the bill). A taxpayer may claim no more than one credit in connection with the production of a single motion picture. The credit is allowed over more than one taxable year but a taxpayer's total credit in all years, toward any single motion picture, may not exceed \$15,000.00. Any unused credit may be carried forward to five succeeding taxable years. The bill delineates procedures for an enterprise to be qualified to receive the credit. The bill also allows an additional state corporate income tax credit in an amount equal to 50% of a taxpayer's investment in the construction and equipping of a motion picture production facility in South Carolina in which the taxpayer has an ownership interest. Any unused credit may be carried forward to five succeeding taxable years.

FOOTNOTE

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (WWW.LPITR.STATE.SC.US) and click on the "Quick Find Guide." On the next screen, click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need.